

VIRGINIA:

IN THE GENERAL DISTRICT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA)	CASE NO.: _____
)	
v.)	
)	
_____)	
Defendant)	
)	

AGREED ORDER TO CONDUCT VIDEO HEARING

This day came the Commonwealth and the Defendant, by counsel, and moved this Honorable Court to conduct a Preliminary Hearing, Waiver of Preliminary Hearing or Plea Hearing via a two-way electronic audio and video communication system and pursuant to Va. Code Section 19.2-3.1.

(1) The Defendant acknowledges and fully understands that he/she has the right to be present in person for this hearing.

Defendant's initials: _____
Defense Attorney initials: _____

(2) The Defendant has been advised by counsel of the right to be present in person for this hearing.

Defendant's initials: _____
Defense Attorney initials: _____

(3) The Defendant acknowledges and fully understands that the hearing can be conducted at the discretion of the judge and with agreement of the parties by two-way electronic audio/video communication. However, the Defendant would be giving up the right to be present in person if the court conducts the hearing by two-way electronic audio/video communication.

Defendant's initials: _____
Defense Attorney initials: _____

(4) The Defendant acknowledges and fully understands that this order is necessitated by a Judicial Emergency and global-wide health pandemic and by the present limitations on inmate movement as a result of the presence of coronavirus in the jail population. So long as these conditions continue, in order for the hearing to occur, the defendant must appear by two way electronic audio and video communication.

Defendant's initials: _____
Defense Attorney initials: _____

(5) The Defendant understands that communication between the Defendant and their counsel

during the hearing may be limited to use of the Court's two-way electronic audio/video communication system being used to conduct the hearing. The court will use its best efforts to facilitate that communication and to protect the confidentiality of those communications but may be limited to clearing the courtroom so that the Defendant may speak to counsel. If substantial communication is necessary between the Defendant and their counsel and the courthouse technology is insufficient for the hearing to proceed, the matter will be continued to an available date after the Judicial Emergency has ended for the defendant to appear personally.

Defendant's initials: _____
Defense Attorney initials: _____

(6) The Defendant understands that if he/she does desire to be present in person for this hearing that he/she must expressly notify the Court at any time during the two-way electronic audio and video communication system hearing; and

Defendant's initials: _____
Defense Attorney initials: _____

(7) The Defendant expressly WAIVES the right to be present in person for this hearing.

Defendant's initials: _____
Defense Attorney initials: _____

This Court FINDS that the Defendant voluntarily, knowingly, and intelligently has waived the right to be present in person for this hearing.

This Court, further, FINDS that the parties are in agreement for this hearing to be conducted by a two-way electronic audio and video communication system pursuant to Va. Code Section 19.2-3.1 due to the Judicial Emergency declaration of the Virginia Supreme Court in response to the ongoing COVID-19 Pandemic.

This Court, further, FINDS that the Court's two-way electronic audio and video communication system complies with the requirements set forth in Va. Code Section 19.2-3.1.

ENTER THIS ORDER ON THE _____ DAY OF _____, 2020.

JUDGE

SEEN & AGREED:

Commonwealth's Attorney

Counsel for the Defendant

Defendant